



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,703	10/18/2001	Ben M. Hsia	USP1482A-MTS	3937

7590 12/03/2002
Raymond Y. Chan
1050 Oakdale Lane
Arcadia, CA 91006

EXAMINER

FISCHMANN, BRYAN R

ART UNIT	PAPER NUMBER
----------	--------------

3618

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,703

Applicant(s)

HSIA

Examiner

Bryan Fischmann

Art Unit

3618



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 7, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Feb 7, 2002 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 3618

Specification

1. The abstract of the disclosure is objected to because of the following:

A) The abstract, particularly lines 3, 5 and 9, is considered to be awkwardly worded. See the “disclosure” portion (next numbered paragraph) for examples of awkward wording.

B) The abstract is intended to be easily understood by the general public with only a “ cursory” inspection. See 37 CFR 1.72. The use of terms in the abstract of nomenclature such as “pusher cavity”, “turn switch” and “resilient unit”, where more easily understood terms, such as “spring” in place of “resilient unit”, for example, does not facilitate easy understanding by the general public. See also Section 608.01(b) of the MPEP.

If Applicant wishes to keep these terms, recommend adding reference numbers within parenthesis after unobvious terms, such as the terms listed above, to assist casual readers to more quickly understand what is being referred to by the above terms.

2. The disclosure is objected to because of the following:

A) The following recited phrases are unclear, awkwardly worded, and/or grammatically incorrect:

Note: The specification, including the abstract, is considered to be replete with awkward, unclear and grammatically incorrect wording. Therefore, a comprehensive listing of all objectionable wording cannot be guaranteed. Examples of wording problems will be given in some cases below in order to assist the Applicant’s understanding as to what is considered objectionable, and in other cases, so as not to impose an undue burden on the Examiner to

Art Unit: 3618

explain every instance of objectionable wording, only the lines and containing the objectionable wording will be given without a detailed explanation of what is objectionable. Applicant is requested to thoroughly review the disclosure for all objectionable wording.

1) To improve readability, the paragraph beginning on line 10 of sheet 1 should begin with the word "A".

2) To be grammatically correct, the recitation of "conviences tool" in line 11 of sheet 1 should instead be "convenience tool".

However, it is also noted that the term "convenience tool" when read in context, is considered unclear.

3) When read in context, lines 10-12 of sheet 1 are considered to be awkwardly worded.

4) The recitation of "foot traveling" on line 12 of sheet 1 is considered to be awkward and somewhat unclear. As best understood, the term "foot traveling" is better phrased "walking".

5) Line 20 of sheet 1 recites "As shown in Fig. 2". Since the Instant Application contains Figures 2A-2D, it is considered unclear which figures are being referred to.

See also line 24 of sheet 1.

6) Line 20 of sheet 1 also recites "As shown in Fig. 2, the locking control device...". Since Figures 2A-2D contain no reference numbers, it is considered unclear what structure constitutes the "locking control device".

Art Unit: 3618

7) Lines 20-23 of sheet 2 recites "shown in Fig. 2...an operation unit comprising a turn switch rotatably mounted on the handle frame and a thumb pusher movable mounted on the turn switch...".

As best understood, the "operation unit" is shown on Figure 1, not Figure 2.

Also, the recitation of the word "movable" in the above recitation is grammatically incorrect.

8) On line 4 of sheet 2, the "wording" is believed to be improved if the words "to be " are inserted between the words "members" and "disengaged".

9) A "comma" should appear between the words "members" and "respectively" on line 4 of sheet 2. However, it also appears that the word "respectively", when read in context, is unnecessary.

10) On line 6 of sheet 2, the word "a" should appear between the words "such" and "locking". On this same line, the word "in" should appear between the words "drawback" and "that".

11) The meaning of the word "muscular mechanism" on line 8 of sheet 2 is considered unclear.

See also line 21 of sheet 2.

12) Lines 9 and 10 of sheet 2 (unclear).

13) Line 11 of sheet 2 (grammar - "operational" vs. "operation")

14) Lines 13 and 16 of sheet 2 (awkward).

Art Unit: 3618

15) Lines 26 and 27 of sheet 2 (awkward and unclear).

16) Line 2 of sheet 3 (awkward)

17) Line 16 of sheet 3 (grammar - "an" vs. "a").

18) Line 11 of sheet 4 (grammar - "conventional" vs. "convention").

19) Line 6 of sheet 5 (grammar - "is" vs. "are").

20) Line 7 of sheet 6 (awkward and unclear - "blocking up").

See also line 3 of sheet 8.

21) Line 8 of sheet 6 (awkward and unclear).

22) Line 21 of sheet 6 (grammar - "disengage" vs. "disengaged").

23) Line 9 of sheet 7 (awkward).

24) Line 23 of sheet 7 (awkward - "towards to").

B) The following inconsistency in nomenclature was noted:

Line 1 of sheet 7 recites "turning handle 32". Lines 2 and 3 of sheet 7 recites "turning handle 33".

To avoid confusion to the reader, and to facilitate identifying components by nomenclature in the claims, it is requested Applicant use consistent nomenclature for the same reference number throughout the specification.

Art Unit: 3618

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference signs mentioned in the description: 1, 2, 30, 33, 40, 322, "F1" and "F2". Correction is required.

4. The drawings are objected to as there seems to be an inconsistency as to how the elongated element 23 is connected between the driving member 23 and the first engagement member 21.

Figures 4A and 4B show that the elongated element 23 is installed within the pivot arm 121 (see Figure 3 for illustration of reference number 121).

Figure 5 shows that the pivot arm (121) has a "male" connector that is installed within a mating "female" connection on the elongated shaft (23).

From this, it is considered unclear, when comparing Figures 4A and 4B with Figure 5, as to how the elongated element is installed within the pivot arm 121, as well as being attached to driving member 34 as shown in Figure 5, while simultaneously being free to move freely when the "turning handle" is operated.

It would seem that some non-disclosed "routing", or "holes" or "slots" would be required in the central shaft 31 or the pivot arm 121, as a minimum, in order to allow free movement of the elongated element in this area.

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the seat handle frame pivotally moved

Art Unit: 3618

forward and the back frame pivotally folded toward the front frame so as to allow the stroller to fold-up as recited in claims 5-8 must be shown or the features canceled from the claims. No new matter should be entered.

Claim Objections

6. Claims 1-20 are objected to because of the following:

Note: The claims are considered to be replete with objectionable matter, such as awkward and grammatically incorrect wording. Due to this, a comprehensive listing of all objectionable wording cannot be guaranteed. Applicant is advised to thoroughly review all claims for objectionable wording.

A) To be consistent with nomenclature used on line 9 of sheet 5 of the specification, the recitation of “engagement unit” on line 7 of page 1 of claim 1 should instead be “engaging unit”.

B) Lines 5-9 of page 1 of claim 1 recites “...a pair of folding joints...said two folding joints...”.

To be literally correct, the recitation of “said two folding joints” in the above recitation should instead be “said pair of folding joints”.

C) Lines 7-10 of page 1 of claim 1 recites “...a pair of first engaging members...said two first engaging members...”.

To be literally correct, the recitation of “said two first engaging members” in the above recitation should instead be “said pair of first engaging members”.

Art Unit: 3618

D) To be grammatically correct, the recitation of “an one-hand operational control device” on line 12 of the first page of claim 1 should begin with the word “a”, as opposed to the word “an”.

E) The use of the term “drive” on line 13 of page 1 of claim 1 is considered awkward.

F) The word “respectively” on line 14 of page 1 of claim 1 is not considered necessary. It is believed that the claim would be clearer with this word deleted.

See also line 18 of page 1 of claim 1.

G) The recitation of “outside” on line 23 of page 1 of claim 1 is considered awkward and somewhat unclear.

H) To be grammatically correct, the recitation of “an” on line 24 of page 1 of claim 1 should instead be “a”.

I) It is believed that the recitation of “urging pressure” on lines 1 and 2 of page 2 of claim 1 is better described as “urging force”.

J) The recitation of “blocking up” on line 4 of page 2 of claim 1 is considered awkward. As best understood, the term “blocking up” is better phrased “preventing”.

See also line 7 of page 2 of claim 1 and claim 2.

K) The term “blocking up” on line 4 of page 2 of claim 1 should be hyphenated. See also line 7 of page of claim 1.

Art Unit: 3618

Similarly, the term “lock up” on line 5 of page 2 of claim 1 should be hyphenated.

Additionally, the term “folded up” on line 5 of page 2 of claim 1 should also be hyphenated.

L) Dependant claims 2-20 begin with the recitation “A foldable stroller...”. The beginning of independent claim 1 recites “A foldable stroller...”. Since these dependant claims are either directly, or indirectly dependant upon claim 1, the above recitation from claims 2-20 should instead read “The foldable stroller”, since antecedent basis for the term “foldable stroller” has already been established.

M) Line 5 of claim 2 is considered to be awkwardly worded. It would appear that the recitation of “that an” should instead be “so that an”.

N) Lines 4 and 5 of claims 3 and 4 recite “...turning handle is rotated forward with respect to said pivot arms..”.

This recitation is objected to as being awkward and also in that it has not been explicitly established that the pivot arms have a “forward” end.

Recommended alternative wording is “turning handle is rotated toward the front of the stroller”.

O) The recitation of “...a back frame pivotally connected to said front frame and a seat handle frame is pivotally moved forward...” in claim 5 is considered awkward.

P) The words “fold up” recited in the last lines of claims 5-8 should be hyphenated.

Q) The last two lines of claims 6-8 are considered to be awkwardly worded.

Art Unit: 3618

R) The second line of claims 9-16 (recitation of “user’s fingers fittedly gripping”) is considered to be awkwardly worded.

S) The recitation of “at least a protrusion” on claims 17-20 is considered better worded as “at least one protrusion”.

T) The last line of claims 17-20 are considered to be awkwardly worded.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant regards as his invention.

Note: The claims are considered to be replete with unclear matter. Therefore, a comprehensive listing of all unclear matter cannot be guaranteed. Applicant is advised to review all claims for unclear matter.

A) Claim 1 recites “A foldable stroller, comprising...and (a) one-hand operational control device, comprising...”.

This recitation leaves unclear whether Applicant is claiming the one-hand operational control device is part of the foldable stroller.

Art Unit: 3618

As best understood, the one-hand operational control device is part of the foldable stroller. Therefore, it is recommended the above recitation be modified to read "A foldable stroller, comprising... (a) one-hand operational control device, said one-hand operational control device further comprising..."

B) Lines 7-9 of page 1 of claim 1 recites "...an engagement unit comprising a pair of first engaging members...a pair of second engagement members provided at said two folding joints..."

From sheet 5 of the specification, the term "folding joint" is understood to correspond to reference number 13 and the term "an engagement unit" is understood to correspond to reference number 20. Also, from sheet 5 of the specification, the terms "first and second engaging members" are also understood to correspond to reference numbers 21 and 22, respectively.

Figure 3 shows that there is one first and second engaging member corresponding to the "engagement unit".

Due to this, the use of the word "pair" and the term "two folding joints" in combination with the recitation of "engagement unit" in the above recitation, when read in context, leaves unclear whether Applicant is claiming one or two engagement units, one or two "first and second engaging members" and one or two "folding joints".

C) Line 19 of page 1 of claim 1 recites "blocking wall".

Lines 3-5 of sheet 7 recites "The turning handle 32 further has a blocking wall 322 inwardly extended from an inner surface of the turning handle 32 towards the pusher cavity 311".

Art Unit: 3618

From examination of the upper-half of the turning handle at the top of Figure 5, there are four surfaces perpendicular and “extending inward” from the inner surface of the “cylindrically-shaped” turning handle 32. It would initially appear from this recitation that one, or more of these “four surfaces” is the “blocking wall”.

However, lines 21-24 of sheet 7 recites “At the normal locking position, the outer end...of the locking latch 41 is normally extended towards...the blocking wall 322 of the turning handle 32 in order to block the turning handle 32 from being rotated with respect to the pivot arms 121”.

From examination of Figures 5-7, this recitation would seem to imply that the “blocking wall” is not one of the four surfaces perpendicular and “extending inward” from the inner surface of the “cylindrically-shaped” turning handle 32 as shown at the top of Figure 5, but instead the “blocking wall” is associated with the periphery of reference number 321 on the lower-half of Figure 5.

Due to this, it is considered unclear what structure constitutes the “blocking wall”.

Note that Section 608.01 (o) and 2173.05(a) of the MPEP requires that nomenclature used in the claims be apparent from the specification and drawings, unless it is apparent from the prior art.

D) The last two lines of page 1 of claim 1 recite “...to move from a normally locking position to an locked position...”.

The meaning of this recited phrase is considered unclear.

Art Unit: 3618

E) Lines 3-5 of page 2 of claim 1 recites "...a locking portion of said locking latch is extended outwardly for blocking up said turn switch from being rotated by said blocking wall so as to lock up said foldable stroller from being folded up".

From sheet 5, the term "locking latch" is understood to correspond to reference number 41, the term "turn switch" is understood to correspond to reference number 30. From sheet 7, the term blocking wall is understood to correspond to reference number 322.

This recitation is considered unclear due to the following:

1) As noted above, the Instant Application fails to make clear what structure corresponds to the "blocking wall". Therefore, it is considered unclear how the "blocking wall" is able to prevent the turn switch from being rotated.

2) The meaning of the last portion of the above recitation which recites "to lock up said foldable stroller from being folded up is considered unclear".

F) Claim 1 recites the limitation "said unlocked position" on lines 5 and 6 of page 2 of claim 1. There is insufficient antecedent basis for this limitation in the claim.

G) Lines 7 and 8 of page 2 of claim 1 recites "so as to release said blocking up of said turn switch with respect to said pivot arms".

The meaning of this recited phrase is considered unclear.

H) Claim 5 recites "a seat handle frame".

Art Unit: 3618

Since sheet 5 of the specification recites "handle frame 12" and "seat frame 113", it is considered unclear what structure is being claimed by the recitation of "seat handle frame" in claim 5.

No nomenclature was found in the specification that corresponds to the term "seat handle frame", particularly nomenclature associated with a reference number that can be correlated to structure on a drawing figure.

Note that Section 608.01 (o) and 2173.05(a) of the MPEP requires that nomenclature used in the claims be apparent from the specification and drawings, unless it is apparent from the prior art.

I) Claims 9-16 recite "A foldable stroller...wherein said finger trigger has a W-shape to form a W-shaped gripping surface for the user's fingers...so as to apply an inward force on said finger trigger...".

This recitation leaves unclear exactly what Applicant is claiming applies the "inward force".

J) The recitation of "said to rotate" at the end of claim 17 is considered unclear.

Art Unit: 3618

Allowable Subject Matter

9. Claim 1 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, second paragraph and the claim objections set forth in this Office action.

10. Claims 2-20 would be allowable if rewritten to overcome the rejections under 35 U.S.C.

112, second paragraph and the claim objections set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Reasons for Allowance

11. The following is an Examiner's statement of reasons for allowance of independent claim 1:

Claim 1 recites the limitation of a foldable stroller comprising a turn switch further comprising a central shaft which has a pusher cavity and a resilient unit which is disposed in the pusher cavity. This limitation, in combination with the other limitations of claim 1, were not found in the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3618

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- A) Arai - teaches handle assembly for foldable stroller
- B) Ishikura - teaches handle assembly for foldable stroller
- C) Cheng (2 patents) - teaches handle assembly for foldable stroller
- D) Yang, et al - teaches handle assembly for foldable stroller
- E) Huang - teaches handle assembly for foldable stroller
- F) Suzuki - teaches handle assembly for foldable stroller
- G) Yeh, et al - teaches handle assembly for foldable stroller
- H) Japanese Patent 1233160 - teaches handle assembly for foldable stroller
- I) Japanese Patent 3964474 - teaches handle assembly for foldable stroller

13. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bryan Fischmann whose telephone number is (703) 306-5955. The examiner can normally be reached on Monday through Friday from 7:30 to 4:00.

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson, can be reached on (703) 308-0885. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Application/Control Number: 10/035,703

Page 17

Art Unit: 3618

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Bryan Fischmann 11-28-2
BRYAN FISCHMANN
PATENT EXAMINER